

Appln. No. 10/758,555
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REMARKS

The following remarks address the Office Action of March November 14, 2006. Reconsideration and allowance of Applicants' claim is respectfully requested. Should the Office choose to enter the amendment, only Claim 1 would be pending, with all other claims canceled. As amended, claim 1 includes the subject matter of canceled claims 2, 3, and 8. As would be explained in detail below, applicants respectfully submit that proposed claim 1 includes allowable subject matter that has already been examined by the Office. Therefore, Applicants believe that claim 1 is allowable over the prior art.

Although no fee is believed to be due in association with the instant response to the Office Action, the Office is authorized to charge any required fees to Deposit Account 50-0958.

35 U.S.C. § 112 Rejection

Claim 1 is rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. In particular, the Examiner states, "The specification discloses a motorized means to move guide rails (para. [0017], lines 15-19) and a motorized means to move position the spreader bar of the crane into alignment with at least one container (para. [0017, lines 5-7]) but does not [disclose] a single motorized means that performs both functions."

In the amendment submitted in the paper of June 20 2006, claim 1 required, *inter alia*, "motorized means mounted on the platform to move the guide rails into engagement with the at least one container *and* to position the spreader bar of the crane into alignment with the at least one container." As argued in the June 20 2006 paper, claim 1 required the motorized means to: (1) move the guide rails into engagement with the at least one container; and (2) position the spreader bar of the crane into alignment with the at least one container. Applicants' position is

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that the second function, i.e., the positioning of the spreader bar of the crane into alignment with the at least one container is only accomplished when the first function is performed, i.e., moving the guide rails into engagement with the at least one container. In other words, the positioning of the spreader bar into alignment, which is accomplished by the flair shaped ends of the guide rails, occurs when the motorized actuator 56 (see original para [0017]) moves the guide rails into position. Consequently, the motorized actuator is responsible for both, moving the guide rails, and positioning the spreader bar.

However, in an effort to further the prosecution of this application, Applicants have amended claim 1. Claim 1 now recites, "motorized means mounted on the platform to move the guide rails into engagement with the at least one container and *flare means* to position the spreader bar of the crane into alignment with the at least one container." Claim 1 further recites that "the flare means are flare shaped ends of the guide rails for redirecting the spreader bar to position the spreader bar into said alignment with the at least one container." Support for this subject matter is found in at least paragraph in paragraph [0017] and Figures 1 and 2 of the original disclosure. Paragraph [0017] of the original disclosure states, "The guide rails 42 have flare shaped ends 43 which redirect the crane spreader bar 46 during descent between the rails 42 and into direct alignment with the container 38." Consequently, Applicants respectfully submit that claim 1 is enabled, the subject matter being described in the specification in a manner as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants respectfully request the withdrawal of the 112 first paragraph rejection.

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Prior Art Rejections

Makino Does Not Teach A Platform Having Guide Rails:

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (US 4,293,077) in view of Gary (US 5,105,915). The Office states that Makino teaches "a platform 8 having guide rails 7a-b". The Office concedes that Makino does not teach motorized means mounted on the platform to move the guide rails. To make up for this deficiency, the Office cites Gary for the motorized means mounted on a platform for movement of guide rails. Applicants respectfully traverse this rejection.

The prior art reference to Makino does not teach a platform having guide rails 7a-b, as stated by the Office. Figure 2 of Makino clearly shows guide rails 7a-b being located on the horizontal girder 6c of the portal crane 6. Column 3 lines 53-57 also states, "The guide for guiding a container includes upstanding container guide members 7a and 7b *disposed* in spaced juxtaposed relation *on the horizontal girder 6c.*" [Emphasis added.] Column 3 lines 53-57 further states, "The container guide member 7a of smaller height is disposed at the left end of the horizontal girder 6c in FIGS. 1 and 2, and the container guide member 7b of larger height is disposed in a position on the horizontal girder 6c." Therefore, according to the disclosure, Makino does not teach guide rails 7a-b being located on the platform 8, as stated by the Office.

Applicants respectfully submit that in view of this teaching, it would not be obvious to one of ordinary skill in the art to use the platform raising motorized means of the secondary reference to Gary. The motorized means of Gary would not move the rails of Makino, but merely the platform. Claim 1 requires movement of the guide rails. In other words, the Gary reference does not compensate for the flaws of Makino. Applicants further argue the Makino arrangement would not work *if* the guide rails were mounted on the platform 8. If mounted to the platform,

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guide rails such as 7b (as shown in Figure 2 of Makino) would be too cumbersome, and would not allow the platform 8 to move under the winding frame member 14, as is required for Makino to be operable. For these reasons, Applicants respectfully submit that claim 1 is allowable over the prior art.

Makino Does Not Teach Guide Rails For Redirecting Spreader Bar:

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (US 4,293,077) in view of Gary (US 5,105,915). The Office states that "Makino discloses guide rails [that] have flair shaped ends 4b for redirecting the spreader bar [17]." Applicants respectfully traverse this rejection. As stated above, Makino teaches guide rails 7a-b being located on the horizontal girder 6c of the portal crane 6. (See Makino Figure 2.) In fact, the guides 7a-b are mounted in a stationary manner and cannot be moved into contact with the spreader bar 17. Additionally, the spreader bar cannot be moved into contact with the guide rails 7a-b. As shown in Figure 2 of Makino, the spreader bar 17 and guides 7a-b do not come into any sort of working contact during the operation of the apparatus. Consequently, the guide rails of Makino cannot redirect the spreader bar as stated in the Office Action. The subject matter of Claim 8 is now included in the proposed amendment for Claim 1. For these reasons, Applicants respectfully submit that claim 1 is allowable over the prior art.

Makino and Curry Do Not Teach Or Suggest The Sensor Grid Means Positioned Between The Second Pair of Vertical Posts, Adjacent the Delivery Vehicle Opening:

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (US 4,293,077) in view of Gary (US 5,105,915), Ide and Curry (US 5,343,739). Applicants

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respectfully traverse this rejection. As applicant presented in the prior amendment, Claim 3 required, *inter alia*, “a first pair of vertical posts and a second pair of vertical posts.” Claim 3 further required, a delivery vehicle receiving opening adjacent the second pair of vertical posts.” Claim 3 also required, “the sensor grid means positioned between the second pair of vertical posts, adjacent the delivery vehicle opening.” The combination of references, *i.e.*, Makino, Gary, Ide, and Curry, either individually or combined, fail to teach or suggest the specific arrangement outlined in claim 3.

The Office concedes that Makino does not teach a grid sensor means. The Office states that Curry discloses sensor grid means, “operatively connected to motor controllers for controlling the movement of the container (see Figure 14) and installed between *a second pair of vertical posts*.” [Emphasis added.] It is unclear as to how Curry teaches a second pair of vertical posts adjacent to the delivery vehicle opening, as required by the claim. The Office states that Curry teaches a second pair of vertical posts. However, according to the claim, the second pair of vertical posts is defined by its relation with the delivery vehicle opening. Similarly, the first pair of vertical posts is defined by its relation with the platform. Curry teaches no such relation for a first or second pair of vertical posts. Therefore, it is not known how Curry teaches a sensor grid means positioned between the second pair of vertical posts adjacent the delivery vehicle opening. Consequently, Applicants respectfully submit that Curry fails to compensate for the flaws of Makino.

Even if the primary reference Makino teaches a first and second pair of posts as defined by the claim, the Office does not provide motivation for the positioning of Curry’s sensor between Makino’s second pair of posts. The Office states, “It would have been obvious to one having ordinary skill in the art at the time the invention was made to add sensor grid means

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positioned between a second pair of vertical posts... in order to provide a collision detection system and warn of impending unsafe conditions." The motivation merely addresses the inclusion of sensor grid means, and not the specific location of the grid means. Therefore, it appears as though the Office employed improper hindsight in making its prima facie case of obviousness.

Lift Means of Ido Would Render the Makino Device Inoperable:

Claim 3, as submitted in Applicants' previous paper (June 20 2006), also required lift means. The Office has conceded that the primary reference Makino, does not teach lift means. The Office cites Ido to compensate for the absence of a lift means disposed in underlying relation to the platform. Again, Applicants respectfully traverse this rejection. First, it is not clear how the system of Ido, which as shown in Figure 9, applies railed lifts to un-tethered truck beds would be applied to the platform 8 of Makino which is tethered and movable via a pulley system. However, even if the Ido lift were to be applied to Makino's platform 8, then the invention of Makino would be inoperable. As shown in Figure 2 of Makino, the tethered system that includes pulley chain 12, cannot work if the Ido lift were applied. Again, it appears as though the Office has employed improper hindsight in making its case of prima facie obviousness. The subject matter of Claim 3 is now included in the proposed amendment for Claim 1. For all the above reasons related to Claim 3, Applicants respectfully submit that claim 1 is allowable over the prior art.

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Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Office feel that there are issues outstanding after consideration of this response, the Office is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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